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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,208	02/27/2004	Manaw Modi	5793.3119-00	4685
22852	7590	01/09/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			AHMED, AFFAF	
			ART UNIT	PAPER NUMBER
			3622	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,208	<b>Applicant(s)</b> MODI, MANAW	
	<b>Examiner</b> Affaf Ahmed	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/22/2004</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **Status of Claims**

1. This action is in reply to the application filed on 02/27/2004.
2. Claims 1-39 are currently pending and have been examined.

### **Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - Claim 3 recites the limitation of: *configuring the first financial account based on input received from the user*. It is unclear what applicant is referring to by configuring the first financial account based on input received from the user. Appropriate correction and/or clarification is required.

### **Claim Objections**

5. Claims 4 and 23 are objected to because of the following informalities:
  - Claims 4 and 23 recite the limitation of: *receiving a forecast goal from the user reflecting a estimated transaction amount the user intends to perform using the first financial account over a future transaction monitoring period*. A estimated transaction is intended to be an estimated transaction. Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 3, 6, 7, 8, 10, 11, 12, 13, 17, 18, 19, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Todd, US Pub No: 2003/0061093 A1.

As per **claims 1, 21 and 38**, Todd teaches:

- *monitoring transactions performed using the first and second financial accounts over a predetermined transaction monitoring period; determining whether the monitored transactions meet at least one predetermined condition; and applying an incentive to the first financial account based on the predetermined condition (see at least paragraphs 45 and 73).*

As per **claim 2 and 22**, Todd teaches:

- *collecting, by the first financial account provider, transaction information associated with each of the transactions from at least one of: the user, a merchant associated with a transaction with the user, a server system that collects the transaction information, and the second financial account provider (see at least paragraph 48).*

As per **claim 3**, Todd teaches:

- *configuring the first financial account based on input received from the user (see at least paragraph 51).*

As per **claims 8,10,11,18, 19, 27, 29, 30 and 37**, Todd teaches:

- *applying variety of incentives based on different category of transactions (see at least paragraphs 25 - 27).*

As per **claims 7, 9, 20, 26 and 28**, Todd teaches:

- *monitoring transactions information for each account (see at least paragraph 17 and paragraph 19).*

As per **claims 12 and 31**, Todd teaches:

- *determining whether any of the transactions are associated with the second financial account (see at least paragraph 12); and*
- *transferring any second financial account transactions to the first financial account based on the determination (see at least paragraph 20).*

As per **claims 15 and 34**, Todd teaches:

- *wherein the incentive includes at least one of adjusting an interest rate for the first financial account, adjusting a credit limit for the first financial account, adjusting an account fee associated with the first financial account, and adding reward points to accumulating reward point total associated with the first financial account (see at least paragraphs 74-79).*

As per **claims 16 and 35**, Todd teaches:

- *wherein the incentive is more attractive to the user when more of the transactions are associated with the first financial account as opposed to the second financial account (see at least paragraph 3).*

As per **claims 17, 18, 36 and 37**, Todd teaches:

- *providing an incentive report to the user based on the applied incentive;*
- *wherein the incentive report includes information associated with incentives that may have been applied to the first financial account based on different types of the predetermined (see at least paragraph 53).*

As per **claims 13 and 32**, Todd teaches:

- *providing payment for the second financial account transactions from the first financial account provider to the second financial account provider and adding a total transaction amount associated with the second financial account transactions to a balance associated with the first financial account (see at least paragraph 26).*

As per **claim 39**, Todd teaches:

- *monitoring transactions performed using the first and second financial accounts over a predetermined transaction monitoring period; determining whether the monitored transactions include at least one transaction associated with the second financial account (see at least paragraphs 17,19 and 73); and*
- *providing payment for the second financial account transactions from the first financial account provider to the second financial account provider and applying a total transaction amount associated with the second financial account transactions to a balance associated with the first financial account (see at least paragraph 26).*

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 4, 5, 6, 23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd, US Pub No: 2003/0061093 A1 in view of Atkins US Pat No: 5,644,727.

**Claims 4, 5, 6, 23, 24 and 25:**

Todd discloses the limitations as shown above.

Todd does not disclose, but Atkins, however, does disclose:

- *receiving a forecast goal and determining if the forecast goal is met* (see at least column 7, lines 30 – 45); and
- *applying an incentive to the first account when the forecast goal is met* (see at least column 9, lines 24 -39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Todd's rewarding customers of financial services providers with Atkins's technique of managing one or more financial accounts with the motivation of tracking bonuses and rebates that will effect and enhance consumers personal financial planning.

11. Claims 14 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd, US Pub No: 2003/0061093 A1 in view of Official Notice.

**Claims 14 and 33:**

Todd discloses the limitations as shown above.

Todd does not disclose:

- *wherein the user gives authorization to the first financial account provider to transfer the second financial account transactions to the first financial account*

However, Examiner takes OFFICAL NOTICE, that it is old and well known in transferring financial fund art; consumers must approve any financial transaction before it takes place. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Todd's system of transferring fund with users' authorization with the motivation of transferring transactions in a secure manner.

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Burton et al, US Pat No: 5,025,372, teaches system and method for administration of incentive award program through use of credit.
  - Shurling et, US Pat No: 6,009,415, teaches data processing technique for scoring bank customer relationships and awarding incentive rewards.
  - Walker et al, US Pat No: 6,267,292 B1, teaches method and apparatus for funds and credit line transfers.
  - Marshall, US Pub 2000/0116266 A1, teaches method and system fro tracking and providing incentives for time and attention persons and for timing of performance of tasks.
  - Walker et al, US Pat No:6,460,019, teaches system and method for tracking and establishing a progressive discount.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

Application/Control Number:  
10/787,208  
Art Unit: 3622

Page 7

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

  
**RETTA YEHDEGA**  
**PRIMARY EXAMINER**